No. 53

08 - 202

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Cooperation of the Government of the Republic of Togo and has the honor to refer to earlier discussions between representatives of the two Governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other defense services, including pursuant to the United States International Military Education and Training Program, from the United States of America to the Government of the Republic of Togo pursuant to the Foreign Assistance Act of 1961, or successor legislation. In this regard the Embassy refers to the Agreement concerning the International Military Education and Training program, effected by exchange of notes at Lome March 10 and July 17, 1980.

In accordance with these discussions, it is proposed that the Government of the Republic of Togo agree:

A. That unless the consent of the Government of the United States of America has been first obtained, the Government of the Republic of Togo shall not:

(I) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee or agent of the Government of the Republic of Togo;

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 10 DAY
OF October 2007

Mélanie Zimmerman
Consul
Embassy of the United States of America
Lomé – TOGO

DIPLOMATIC NOTE

EMBASSY OF THE UNITED STATES OF AMERICA LOME

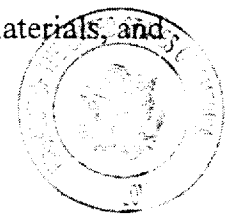
(II) Transfer, or permit any officer, employee or agent of the Government of the Government of the Republic of Togo to transfer such defense articles, related training, including training materials, or other defense services by gift, sale or otherwise; or

(III) Use, or permit the use of such defense articles, related training, including training materials, or other defense services for purposes other than those for which provided;

B. That such defense articles, related training, including training materials, or other defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

C. That the net proceeds of sale received by the Government of the Republic of Togo in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

D. That the Government of the Republic of Togo shall maintain the security of such defense articles, related training, including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such defense articles, related training, including training materials, and;



other defense services by the Government of the United States of America; that it shall, as the Government of the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Republic of Togo;

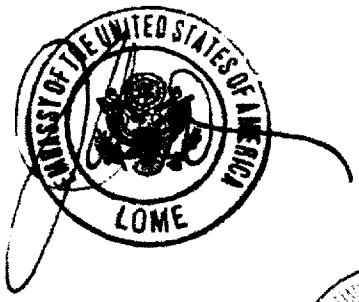
E. That the Government of the United States of America may also, from time to time, make the provision of articles and services furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of the agreement proposed herein. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

It is further proposed that this Agreement shall supersede in its entirety the above-referenced 1980 agreement.

The Embassy of the United States of America avails itself of this occasion to renew to the Ministry of Foreign Affairs and Regional Integration of the Togolese Republic the assurances of its highest consideration.

Embassy of the United States of America

Lomé, May 22, 2008



BADA/BADA

N° 179 MAEIR/SG/DAJ/CAB

The Ministry of Foreign Affairs and Regional Integration presents its compliments to the Embassy of the United States of America and wishes to acknowledge receipt of Diplomatic Note No. 053 dated May 22, 2008; which reads as follows:

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Cooperation of the Government of the Republic of Togo and has the honor to refer to earlier discussions between representatives of the two Governments regarding grants under the Foreign Assistance ACT of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other defense services, including pursuant to the United States International Military Education and Training Program, from the United States of America to the Government of the Republic of Togo pursuant to the Foreign Assistance Act of 1961, or successor legislation. In this regard the Embassy refers to the Agreement concerning the International Military Education and Training program, effected by exchange of notes at Lome March 10 and July 17, 1980.

In accordance with these discussions, it is proposed that the Government of the Republic of Togo agree:

A. That unless the consent of the Government of the United States of America has been first obtained, the Government of the Republic of Togo shall not:

(1) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee or agent of the Government of the Republic of Togo;

EMBASSY OF THE UNITED STATES OF AMERICA

L O M E

(II) Transfer, or permit any officer, employee or agent of the Government of the Republic of Togo to transfer such defense articles, related training, including training materials, or other defense services by gift, sale or otherwise; or

(III) Use, or permit the use of such defense articles, related training, including training materials, or other defense services for purposes other than those for which provided;

B. That such defense articles, related training, including training materials, or other defense services shall be returned to the Government of the United States of America when the are no longer needed for the purposes for which the were furnished, unless the Government of the United States of America consents to another disposition;

C. That the net proceeds of sale received by the Government of the Republic of Togo in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

D. That the Government of the Republic of Togo shall maintain the security of such defense articles, related training, including training materials, and other defense services : that it shall provide substantially the same degree of security protection afforded to such defense articles, related training, including training materials, and other defense services by the Government of the United States of America; that it shall, as the Government of the United States of America may require permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Republic of Togo;

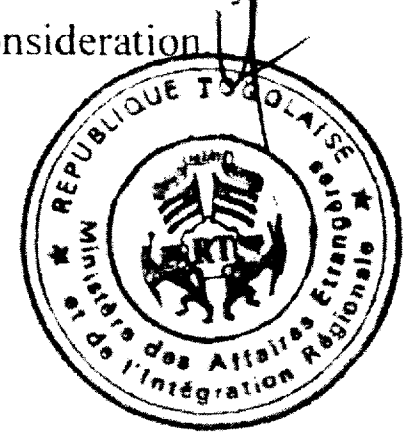
.../3

E. That the Government of the United States of American may also, from time to time make the provision of articles and services furnished under other authority (except the United States Arm Export Control Act) subject to the terms and conditions of the agreement proposed herein. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

It is further proposed that this Agreement shall supersede in its entirety the above-referenced 1980 agreement.

The Ministry of Foreign Affairs and Regional Integration has the honor to confirm that the proposals set forth in the Embassy's note and this note in reply shall constitute an Agreement between the two Governments which shall enter into force on this date.

The Ministry of Foreign Affairs and African Integration avails itself at this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.



LOME, LE 08 OCT. 2008